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CASE NO: A-21-843056-C
 Department 13

13 DISTRICT COURT

14 CLARK COUNTY, NEVADA

15 LISTON M. GOODMAN, an Individual;

16 Plaintiff,

CASE NO.
 DEPT. NO.

17 vs.

18
 19 PANDA EXPRESS, INC. d/b/a PANDA
 20 EXPRESS, a Foreign Corporation; PANDA
 21 RESTAURANT GROUP, INC. d/b/a PANDA
 22 EXPRESS, A Foreign Corporation; DOE PANDA
 EXPRESS EMPLOYEES; DOES I through XX,
 inclusive; and ROE BUSINESS ENTITIES I
 through XX inclusive,

COMPLAINT
 AND DEMAND FOR JURY TRIAL

23 Defendants.

24
 25
 26 COMES NOW Plaintiff LISTON M. GOODMAN, by and through his attorneys, PETER
 27 S. CHRISTIANSEN, ESQ., R. TODD TERRY, ESQ., KENDELEE L. WORKS, ESQ.,

28



1 WHITNEY J. BARRETT, ESQ. and KEELY A. PERDUE, ESQ. of CHRISTIANSEN TRIAL
2 LAWYERS and for his causes of action against Defendants, and each of them, allege as follows:

3 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

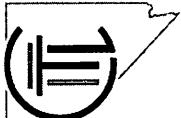
4 1. All the events alleged in this Complaint took place in Clark County, Nevada.
5 2. That at all times mentioned in, upon information and belief, Plaintiff, LISTON M.
6 GOODMAN was and is a resident of Clark County, Nevada.
7 3. That at all times mentioned herein, upon information and belief, Defendant,
8 PANDA EXPRESS, INC. d/b/a PANDA EXPRESS, is a Foreign Corporation authorized to do
9 and doing business in Clark County, Nevada.

10 4. That at all times mentioned herein, upon information and belief, Defendant,
11 PANDA RESTAURANT GROUP, INC. d/b/a PANDA EXPRESS, is a Foreign Corporation
12 authorized to do and doing business in Clark County, Nevada.

13 5. DOE PANDA EXPRESS EMPLOYEES, DOES I-XX are persons whose conduct
14 gave rise to this Complaint, specifically, those ROE or DOE Defendants who have failed to
15 supervise, control, repair, and maintain the premises, and further failed to warn Plaintiff of
16 hazards, which resulted in Plaintiff's injuries. Upon information and belief, these DOE
17 EMPLOYEES are residents of Clark County, Nevada.

18 6. That the true names and capacities, whether individual, corporate, association or
19 otherwise of the Defendant, DOES I through XX and/or ROE BUSINESS ENTITIES I through
20 XX, are unknown to Plaintiff at this time. Plaintiff is informed and believes, and thereupon allege,
21 that each of the Defendant designated herein as DOES and/or ROES is responsible in some
22 manner for the events and happenings herein referred to, and in some manner caused the injuries
23 and damages proximately thereby to the Plaintiff, as herein alleged; that the Plaintiff will ask
24 leave of this Court to amend this Complaint to insert the true names and capacities of said
25 Defendants, DOES I through XX and/or ROE BUSINESS ENTITIES I through XX inclusive,
26 when the same have been ascertained by Plaintiff, together with the appropriate charging
27 allegations, and to join such Defendant in this action.

28



1 7. Plaintiff is informed and believes, and based upon such information and belief,
2 allege that each of the Defendants herein designated as DOES and ROES are in some manner,
3 responsible for the occurrences and injuries sustained and alleged herein.

4 8. That on or about November 04, 2019, Plaintiff LISTON M. GOODMAN was a
5 patron of PANDA EXPRESS, located at 3318 E. Flamingo Rd., Las Vegas, Nevada 89121
6 (hereinafter referred to as “Panda”).

7 9. That on or about November 04, 2019, Plaintiff LISTON M. GOODMAN, while
8 using the public restroom at the subject Panda Express, slipped and fell on a foreign substance on
9 the floor, causing Plaintiff great pain and suffering to his person.

10 10. That all the facts and circumstances that give rise to the subject lawsuit occurred
11 in the County of Clark, Nevada.

FIRST CAUSE OF ACTION

Negligence - Premises Liability

11. Plaintiff incorporates by this reference each and every allegation previously made
in this Complaint, as if fully set forth herein.

16 12. At all times mentioned, the above-named Defendants were the owners, managers,
17 supervisors, maintainers, operators, and controllers of the premises and common areas and/or
18 were otherwise responsible for the condition of the floor of Panda Express located at 3318 E.
19 Flamingo Rd., Las Vegas, Nevada 89121.

20 13. That on or about November 04, 2019, Plaintiff asked for and received a code for
21 the restroom door from DOE Employee of Defendant Panda. After using the restroom, Plaintiff
22 washed and dried his hands and was exiting the restroom when he slipped and fell on a foreign
23 substance on the floor. The restroom contained a commode and a urinal and while in the restroom,
24 Plaintiff observed the commode's reservoir/tank was covered with a plastic trash bag. Upon
25 information and belief, Defendant Panda was on notice of a leak. DOE Employee did not warn
26 or otherwise convey this information and should not have given the code to Plaintiff and/or Panda
27 should have closed the restroom to the public.

1 14. That on or about November 04, 2019, Defendants, and each of them, owed a duty
2 to maintain that a clean and safe, hazard-free floor area for the public, including Plaintiff, at the
3 time and location of the incident.

4 15. The Defendants, and each of them, breached said duty by supplying Plaintiff with
5 the code to the restroom while it was in disrepair and by failing inspect, clean, and maintain a
6 safe, hazard-free floor at the time and location where Plaintiff slipped and fell.

7 16. That due to these dangerous conditions, Plaintiff sustained damages, which
8 include but are not limited to bodily injuries; medical expenses; and past and future pain and
9 suffering.

10 17. That Defendants had actual and/or constructive notice of the hazardous or unsafe
11 condition prior to the time the incident occurred. The Defendants knew or should have known
12 that the unsafe condition posed a hazard or fall risk to the patrons/customers/public, including
13 Plaintiff.

14 18. That as a direct and proximate result, Plaintiff suffered severe injuries and has
15 sustained damages in excess of \$15,000.00.

16 19. As a further direct and proximate result of Defendants' negligence, Plaintiff
17 suffered intense physical and mental pain, disfigurement, shock, and agony, all to his damage
18 recoverable by Plaintiff, in an amount in excess of \$15,000.00.

19 20. As a result of Defendants and each of their conduct, as set forth herein, Plaintiff
20 has been required to retain the services of an attorney, and as direct, natural, and foreseeable
21 consequence thereof, has been damaged thereby, and is entitled to reasonable attorneys' fees and
22 costs.

SECOND CAUSE OF ACTION

25 21. Plaintiff incorporates by this reference each and every allegation previously made
in this Complaint, as if fully set forth herein.

1 22. Employers, masters, and principals are vicariously liable for the torts committed
2 by their employees, servants, and agents if the tort occurs while the employee, servant or agent
3 was acting in the course and scope of employment.

4 23. The Defendants were the employers, masters and principals of each other, the
5 remaining Defendants and other employees, agents, independent contractors and/or
6 representatives who negligently failed to maintain a safe and hazard-free floor for the public,
7 including Plaintiff.

8 24. At all times relevant herein, Defendant and other employees named as DOE
9 Employee Defendants herein, and each of them, were employees and/or agents of one or all of
10 Defendants and were acting within the scope of their employment.

11 25. Any and all liability of Defendants' employees and/or agents, including but not
12 limited to Defendant, is imputed to Defendant Panda under the doctrine of respondeat superior
13 and/or N.R.S. 41.130, which states:

14 Except as otherwise provided in N.R.S. 41.745, whenever any person
15 shall suffer personal injury by wrongful act, neglect or default of another,
16 the person causing the injury is liable to the person injured for damages;
17 and where the person causing the injury is employed by another person
or corporation responsible for his conduct, that person or corporation so
responsible is liable to the person injured for damages.

18 26. Accordingly, Defendants, and each of them, are vicariously liable for the damages
19 caused by their employees' actions and negligence, further encompassing the actions of those
20 hired by Defendants to maintain the premises.

21 27. As a direct and proximate result of the conduct of the Defendants described
22 hereinabove, Plaintiff has sustained damages in excess of \$15,000.00.

23 28. As a result of Defendants and each of their conduct, as set forth herein, Plaintiff
24 has been required to retain the services of an attorney, and as direct, natural, and foreseeable
25 consequence thereof, has been damaged thereby, and is entitled to reasonable attorneys' fees and
26 costs.

27 29. As a proximate result of the aforesaid negligence of Defendants, and each of them,
28 Plaintiff LISTON M. GOODMAN, slipped and fell as a result of said dangerous condition on the



1 premises of the Defendants, thereby caused Plaintiff to be injured and thereby sustaining the
2 injuries and damages and hereinafter set forth.

3 **THIRD CAUSE OF ACTION**

4 ***Negligent Hiring, Training, Retention, and Supervision***

5 30. Plaintiff incorporates by this reference each and every allegation previously made
in this Complaint, as if fully set forth herein.

6 31. Defendants, and each of them, had a duty to properly and adequately hire, train,
retain, and supervise personnel under their control so as to avoid unreasonable risk of harm to
the general public, invitees, and patrons, including Plaintiff herein.

7 32. Defendants, and each of them, were responsible for the hiring, training, retaining,
supervision, and control of employee(s) including Defendant's Doe Employees, and as a direct
and proximate result of aforementioned Defendants' negligence in hiring, training, supervising,
and controlling employee(s) and Defendant's Doe Employees, Plaintiff suffered injuries and
damages as herein alleged.

8 33. As a direct and proximate result of the actions of Defendants, and each of their
failure to exercise reasonable care in the hiring, training, retention and supervision of
employee(s) and Defendant's Doe Employees, Plaintiff suffered the damages and injuries as
alleged herein an amount in excess of \$15,000.00.

9 34. As a result of Defendants and each of their conduct, as set forth herein, Plaintiff
has been required to retain the services of an attorney, and as direct, natural, and foreseeable
consequence thereof, has been damaged thereby, and is entitled to reasonable attorneys' fees and
costs.

20 **DEMAND FOR JURY TRIAL**

21 35. Plaintiff hereby demands a trial by jury for all issues do triable.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff respectfully prays that Judgment be entered as set forth below.

- 24 1. General damages in an amount in excess of \$15,000.00;
25 2. Special damages for medical expenses;



- 1 3. Compensatory damages in an amount in excess of \$15,000.00;
- 2 4. Damages for lost, past and future household services;
- 3 5. Damages for pain, disfigurement, mental anguish, and loss of enjoyment of life;
- 4 6. For reasonable attorney's fees, pre-judgment interest and costs of incurred herein;
5 and
- 6 7. For such other and further relief as the Court may deem just and proper in the
7 premises.

Dated this 22nd day of October, 2021.

CHRISTIANSEN TRIAL LAWYERS

By DJr
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